UNITED STATES PATENT AND TRADEMARK OFFICE

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09/760,267	01/12/2001	Shimon G. Ziv-el		2649

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EXAMINER
HARRIS, CHANDA L

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _01 June 2004_.
2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-7,9-16,18-25,27-35 and 37_ is/are pending in the application.
    4a) Of the above claim(s) _8,17,26,36_ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-7,9-16,18-25,27-35 and 37_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Status of Claims

In response to the Amendment filed 6/1/04, Claims 1-7, 9-16, 18-25, 27-35, and 37 are

pending. Claim 8, 17, 26, and 36 are cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7, 9-12, 15-16, 18-19, 21-25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ziv-El (US 5,437,555) in view of Pellegrino (US 6,149,441).

1.   [Claims 1,18]: Regarding Claims 1 and 18, Ziv-El discloses a plurality of student

computers (i.e. terminals), each having an input device (i.e. alpha-numeric keyboard)

and a screen (i.e. multi-line LCD), and having at least one teacher's computer (i.e.

teacher computer) including an input device (i.e. keyboard) and a screen. See Col.1:

48-56, Col.13: 47-52, FIG.1 and FIG.6. Ziv-El discloses at least one data storage

server for storage of lessons (i.e. Lesson Storage Buffer), said lessons including

exercises having questions (i.e. programmed questions) and multi-character answers.

See Col.3: 31-43 and Col.16: 52-64. Ziv-El discloses a response server (i.e. response

buffer) in communication with the student computers for processing student responses.

See Col.11: 45-51. Ziv-El discloses wherein the student computer includes program

instructions for immediately transmitting each character resulting from an input on the

student computer, to the response server (i.e. reinforcement provided on every letter);

and further comprising comparison and evaluation of the character with a homologous

character of at least one answer to the question. See Col.10: 65-Col.11: 2. Ziv-El

discloses wherein the teacher's computer includes program instructions for the

teacher's screen to be contemporaneously responsive to the character from a student

keystroke and to a result of the comparison and evaluation. See Col.3: 60-62 and

Col.17: 18-21. Ziv-El discloses displaying on a computing device operable to be used by

a teacher information comprising the responses from a plurality of students from the

data storage device (i.e., Response buffer) 0character-by-character is received in the

data storage device. See Col.10: 56-Col.11:2.

Ziv-El does not disclose expressly lessons including exercises having Uniform

Resource Locators (URLs); Web browsers on the teacher's computer and the student

computers for communicating through a Web server in response to URLs received from

the teacher and student computers; wherein a teacher's computer and the students'

computers include program instructions responsive to inputs to cause an exercise,

including a Web page relating to a URL, to be displayed on the screen of at least one of

the student computers; selectable links and immediately transmitting the URL from each

link selected and each character resulting from an input on the student computer, to a

response server; and program instructions for the teacher's screen to be

contemporaneously responsive to the sequence of Web links selected on the screen of

the student's computer. However, Pellegrino teaches lessons including exercises

having URLs (i.e. link to an Internet site); Web browsers (Internet browser) on the

teacher's computer and the student computers for communicating through a Web server

(i.e. server computer) in response to URLs received from the teacher and student

computers; wherein a teacher's computer and the students' computers include program

instructions responsive to inputs to cause an exercise, including a Web page (i.e.

Internet site) relating to a URL, to be displayed on the screen of at least one of the

student computers. See Col.3: 49-54 and Col.6: 35-43.   Pellegrino teaches selectable

links (e.g., selections corresponding to URLs) and immediately transmitting the URL

from each link selected and each character resulting from an input on the student

computer, to a response server and displaying the sequence of URLs for each web site

visited by the plurality of students (i.e., recording the actions taken by each student as

he or she progresses through the selections in a database). See Col.22: 42-52, 64-

Col.23: 2. Pellegrino teaches the concept of a teacher's computer including

programming instructions for the teacher's screen to be responsive to Web links

selected on the screen of the student's computer (i.e., allowing the teacher to record the

actions taken by each student as he or she progresses through the selections). See

Col.22: 36-46, 53-Col.23: 2. It is Examiner's position that the recording performed by

the Navigational Element in Pellegrino is contemporaneously responsive to the actions

taken by each student. Therefore, at the time of the invention, it would have been

obvious to one of ordinary skill in the art to incorporate the aforementioned limitations

into the method and system of Ziv-El, in light of the teaching of Pellegrino, in order to

enable teachers to create customized lessons incorporating lesson material including text, audio, images, video and application program files and to provide a mechanism for generating reports based on the recorded tracking data.

Claim 1: In response to Applicant's arguments that neither Ziv-El or Pellegrino teach or suggest "a teacher's computer that includes program instructions for the teacher's screen to be contemporaneously responsive to the sequence of Web links selected on the screen of the student's computer and to the character from a student keystroke and to a result of the comparison and evaluation", Examiner maintains the rejection of Ziv-El/ Pellegrino on the basis that Pellegrino teaches the concept of a teacher's computer including programming instructions for the teacher's screen to be responsive to Web links selected on the screen of the student's computer (See above.). Further, Examiner is relying on Ziv-El for the disclosure of a teacher's screen being contemporaneously responsive to selections on the screen of a student's computer and to the character from a student keystroke and to a result of a comparison and evaluation (See above.).

Claim 18: In response to Applicant's arguments that Pellegrino does not teach displaying such information character-by-character as each character is received by the database, Applicant is directed to Ziv-El for the disclosure of such (See above).

2.   [Claims 2-3, 24-25]: Regarding Claims 2-3 and 24-25, Ziv-El does not disclose expressly wherein the teacher and the students communicate through an Internet connection or through an Internet. However, Pellegrino teaches such in Col.6: 38-42. Therefore, at the time of the invention, it would have been obvious to one of ordinary

skill in the art to incorporate the aforementioned limitations into the method and system

of Ziv-El, in light of the teaching of Pellegrino, in order support remote and global use of

the educational system.

3.   [Claim 4]: Regarding Claim 4, Ziv-El discloses wherein the instructions for

causing display of an exercise on a student's computer are executed by the teacher's

computer in response to the inputs from the teacher, and wherein the exercise (e.g.

spontaneous question) is displayed on a plurality of different computers. See Col.11:

29-41.

4.   [Claim 5]: Regarding Claim 5, Ziv-El discloses wherein the teacher's computer

includes program instructions for selecting a student response on a screen for display

on the student computers. See Col.17: 18-21.

5.   [Claim 6]: Regarding Claim 6, Ziv-El discloses wherein the teacher's computer is

immediately responsive to an aggregate of correct and incorrect student responses.

See Col.10: 65-Col.11: 5 and Col.12: 41-46.

6.   [Claim 7]: Regarding Claim 7, Ziv-El does not disclose expressly wherein the

teacher's computer includes program instructions responsive to teacher inputs to cause

a Web page to be previewed on the screen of the teacher's computer by retrieval from

the data storage server. However, Pellegrino teaches such in FIG. 34, Col.6: 11-14,

and Col.16: 28-33. Therefore, at the time of the invention, it would have been obvious

to incorporate the aforementioned limitation into the method and system of Ziv-El, in

light of the teaching of Pellegrino, in order to facilitate lesson development.

7.   [Claim 9]: Regarding Claim 9, Ziv-El does not disclose expressly wherein the

instructions for causing display of the exercise on the student's computer are executed

by the student's computer in response to inputs from the student (i.e. "Start Lesson"

button). However, Pellegrino teaches such in Col.9: 64-Col.10: 2. Therefore, at the

time of the invention, it would have been obvious to one of ordinary skill in the art to

incorporate the aforementioned limitation into the method and system of Ziv-El, in light

of the teaching of Pellegrino, in order to enable a student to be presented with lesson

material at the student's option.

8.   [Claim 10]: Regarding Claim 10, Ziv-El discloses wherein the teacher's computer

includes program instructions for selecting a student response on the teacher's screen

for display on a class display working in combination with additional memory. See

Col.17: 18-21.

9.   [Claims 11, 21]: Regarding Claims 11 and 21, Ziv-El/Pellegrino does not disclose

expressly wherein the teacher's computer includes program instructions for selecting a

student response on the screen of the teacher's computer and subjectively modifying a

score resulting from operation of the comparison and evaluation logic on response data

received from at least one of the plurality of student computers and wherein the

correctness of a response can be overridden by the teacher pointing to the response

and arbitrarily assigning a score to the response using a dialog box. However, such is

old and well known in the art. Therefore, at the time of the invention, it would have been

obvious to one of ordinary skill in the art to incorporate the aforementioned limitation

into the method and system of Ziv-El/Pellegrino in order to compensate for a test

evaluator disagreeing with a score generated by a computer.

10.   [Claims 12 and 22]: Regarding Claims 12 and 22, Ziv-El discloses wherein the

plurality of student computers are immediately responsive to a result of the comparison

and evaluation logic through a feedback signal (i.e. reinforcement) receivable at each of

the plurality of student computers. See Col.10: 65-Col.11: 1.

11.   [Claim 15]: Regarding Claim 15, Ziv-El/Pellegrino does not disclose expressly

program instructions responsive to teacher inputs to cause a Wait mode message to be

sent to at least one student computer to block access to the response server. However,

issuing messages to block access to systems or information is old and well-known in

the art. Therefore, at the time of the invention, it would have been obvious to one of

ordinary skill in the art to incorporate the aforementioned limitations into the method and

system of Ziv-El/Pellegrino in order to monitor server traffic or prevent untimely or

unauthorized access to the system.

12.   [Claim 16]: Regarding Claim 16, Ziv-El does not disclose expressly wherein the

teacher's computer and the plurality of student computers use respective Web browsers

and communicate with at least one Web server; and wherein the program instructions

on the student computers and the teacher's computer are provided by respective Web

browsers (e.g. Student Home Page, Teacher Home Page). However, Pellegrino

teaches such in Col.9: 28-38. Therefore, at the time of the invention, of the invention, it

would have been obvious to one of ordinary skill in the art to incorporate the

aforementioned limitation into the method and system of Ziv-El, in light of the teaching

of Pellegrino, in order to present a Web browser that is appropriate for the user.

13.   [Claim 19]: Regarding Claim 19, Ziv-El does not disclose expressly wherein the

teacher initiates the communication of the URL to the plurality of students, and the Web

page of the Web site is automatically displayed. However, Pellegrino teaches such in

the Abstract. Therefore, at the time of the invention, it would have been obvious to one

of ordinary skill in the art to incorporate the aforementioned limitation into the method

and system of Ziv-El, in light of the teaching of Pellegrino, in order to allow a teacher to

utilize lesson material from a variety of sources, including a lesson material database, a

database of existing lessons, and the Internet.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ziv-

El/Pellegrino as applied to claim 1 above, and further in view of Lee et al. (US

6,064,856).

[Claim 23]: Regarding Claim 23, Ziv-El/Pellegrino does not disclose expressly wherein

the teacher's computer includes program instructions for creation of an indicator on the

Web page on the teacher's screen which copies to the same positions on the

corresponding Web pages of the screens of the student computers. However, Lee

teaches creating indicators on images (e.g., Web page) on one screen and copying

them to the same positions on images on other screens (i.e., the teacher's writing on

his/her screen with the result appearing simultaneously at all of the stations sharing that

image). See Col.3: 48-54. It is Examiner's position that Web pages are just mere

images and that they would work the same as the images disclosed in Lee without an

modification to the HTML code that creates the Web pages. Therefore, at the time of

the invention, it would have been obvious to one of ordinary skill in the art to incorporate

into the method and system of Ziv-El/Pellegrino the creation of an indicator on the Web

page on the teacher's screen which copies to the same positions on the corresponding

Web pages of the screens of the student computer, in light of the teaching of Lee, in

order to enable a teacher to share what he/she writes on their screen with student

computers. **Note: Examiner is requesting that Applicant provides information on**

how the unobvious technique of using a markup language to enable the creating

of indicators on web pages, as opposed to other images, and transferring those

indicators to a second screen works.

Claims 13, 27-35, and 37 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ziv-El (US 5,438,555) in view of Pellegrino (US 6,149,441) and

further in view of Shende et al. (US 6,341,212).

1.   [Claims 13,27]: Regarding Claims 13 and 27, Ziv-El/Pellegrino does not disclose

expressly wherein the student computers display a window displaying at least one Web

page and a question concerning the Web page and wherein the student computers

display a window displaying at least one Web page associated with an external Web

site and a question concerning the Web page. However, Shende teaches such in Col.5:

7-31. Evaluation of an examinee's knowledge of substantive content of a web site is

disclosed by Shende. See Col.5: 16-31.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Ziv-El/Pellegrino, in light of the teaching of Shende, in order to test an examinee's ability to use an Internet browser to find answers to specific questions.

Claim 27: In response to Applicant's arguments that none of Ziv-El, Pellegrino, or Shende teach or suggest a "Web browser on the teacher's computer that includes program instructions for the teacher's screen to be contemporaneously responsive to the character from a student keystroke and to the result of the comparison and evaluation", Examiner directs Applicant to Pellegrino for teaching of a Web browser on the teacher's computer and to Ziv-El for the disclosure of the teacher's screen being contemporaneously responsive to the character from a student keystroke and to the result of the comparison and evaluation. See above rejection under Ziv-El/Pellegrino.

2.   [Claims 28-29]: Regarding Claims 28 and 29, Pellegrino discloses wherein the teacher and the students communicate through an Internet connection or through an Internet. See Col.6: 38-42.

3.   [Claim 30]: Regarding Claim 30, Ziv-El discloses wherein the instructions for causing display of an exercise on a student's computer are executed by the teacher's computer in response to the inputs from the teacher, and wherein the exercise (e.g. spontaneous question) is displayed on a plurality of different computers. See Col.11: 29-41.

4.   [Claim 31]: Regarding Claim 31, Ziv-El discloses wherein the teacher's computer

includes program instructions for selecting a student response on a screen for display

on the student computers. See Col.17: 18-21.

5.   [Claim 32]: Regarding Claim 32, Ziv-El discloses wherein the teacher's computer

is immediately responsive to an aggregate of correct and incorrect student responses.

See Col.10: 65-Col.11: 5 and Col.12: 41-46.

6.   [Claim 33]: Regarding Claim 33, Ziv-El does not disclose expressly wherein the

instructions for causing display of the exercise on the student's computer are executed

by the student's computer in response to inputs from the student (i.e. "Start Lesson"

button). However, Pellegrino teaches such in Col.9: 64-Col.10: 2. Therefore, at the

time of the invention, it would have been obvious to one of ordinary skill in the art to

incorporate the aforementioned limitation into the method and system of Ziv-El, in light

of the teaching of Pellegrino, in order to enable a student to be presented with lesson

material at the student's option.

7.   [Claim 34]: Regarding Claim 34, Ziv-El/Pellegrino/Shende does not disclose

expressly wherein the teacher's computer includes program instructions for selecting a

student response on the screen of the teacher's computer and subjectively modifying a

score resulting from operation of the comparison and evaluation logic on response data

received from at least one of the plurality of student computers and wherein the

correctness of a response can be overridden by the teacher pointing to the response

and arbitrarily assigning a score to the response using a dialog box. However, such is

old and well known in the art. Therefore, at the time of the invention, it would have been

obvious to one of ordinary skill in the art to incorporate the aforementioned limitation

into the method and system of Ziv-El/Pellegrino/Shende in order to compensate for a

test evaluator disagreeing with a score generated by a computer.

8.   [Claim 35]: Regarding Claim 35, Ziv-El discloses wherein the plurality of student

computers are immediately responsive to a result of the comparison and evaluation

logic through a feedback signal (i.e. reinforcement) receivable at each of the plurality of

student computers. See Col.10: 65-Col.11: 1.

9.   [Claim 37]: Regarding Claim 37, Ziv-El/Pellegrino/Shende does not disclose

expressly program instructions responsive to teacher inputs to cause a Wait mode

message to be sent to at least one student computer to block access to the response

server. However, issuing messages to block access to systems or information is old

and well-known in the art. Therefore, at the time of the invention, it would have been

obvious to one of ordinary skill in the art to incorporate the aforementioned limitations

into the method and system of Ziv-El/Pellegrino/Shende in order to monitor server traffic

or prevent untimely or unauthorized access to the system.

Claims 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ziv-El/Pellegrino as applied to claims 1 and 18 above, and further in view of

Anderson et al. (US 6,513,042).

1.   [Claim 14]: Regarding Claim 14, Ziv-El/Pellegrino does not disclose expressly

wherein at least one of the plurality of student computers has a screen which displays a

separate response text box and an explanation text box; and wherein the comparison

and evaluation logic is responsive to inputs to the two respective text boxes. However, Anderson teaches a screen that displays the response and explanation together in one box. See FIG.7D. Therefore, at the time of the invention, it would have been obvious to incorporate a screen that displays the response and explanation together in one text box into the method and system of Ziv-El/Pellegrino, in light of the teaching of Anderson, in order to provide a detailed score/results summary to user. Furthermore, it would have been obvious to one of ordinary skill in the art that it would have been an obvious matter of design choice whether to display a separate response text box and an explanation text box versus a single response and explanation together in one text box wherein no stated problem is resolved or unexpected result is obtained by having two separate text boxes.

2. [Claim 20]: Regarding Claim 20, Ziv-El/Pellegrino does not disclose expressly wherein the student responses are compared and evaluated against a correct answer, and where the appearance of each response to the teacher is associated with the correctness (e.g. explanation if incorrect, no explanation if incorrect) of the response. See FIG.7D. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Ziv-El/Pellegrino, in light of the teaching of Anderson, in order to facilitate viewing test results.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s)

of rejection, particularly regarding Ziv-El/Pellegrino and the limitation: "a teacher's

computer that includes program instructions for the teacher's screen to be

contemporaneously responsive to the sequence of Web links selected on the screen of

the student's computer and to the character from a student keystroke and to a result of

the comparison and evaluation". See above rejection. Therefore, this action is made

NON-FINAL.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chanda L. Harris whose telephone number is 703-308-

8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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Chanda L. Harris
Examiner
Art Unit 3714

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